

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA :
v. : Criminal No. DKC 03-0438
MOHAMMED YEHIA BABA :
:

MEMORANDUM OPINION

On February 26, 2018, Mohammed Yehia Baba filed a letter requesting the expungement of his records. (ECF No. 34). He provides no reasons for his request.

Mr. Baba was a veterinarian with the United States Department of Agriculture and participated in the Federal Employees Health Benefits Plan from September 1995 through December 2002. He pled guilty to mail fraud, admitting he created fraudulent medical invoices and submitted them to Blue Cross Blue Shield. He was sentenced June 18, 2004, to five (5) months imprisonment followed by a three (3) year term of supervised release and directed to pay \$69,488.55 as restitution, \$3,000 as a fine, and a \$100 special assessment.

The United States Court of Appeals for the Fourth Circuit has ruled, albeit in an unpublished opinion, that expungement in these circumstances is unavailable. First,

It is elementary that federal courts are courts of limited jurisdiction. They "possess only that power authorized by the Constitution and statute, which is not to be expanded by judicial decree." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377, 114 S.Ct. 1673, 128 L.Ed.2d 391 (1994) (internal citations omitted).

Neither the Constitution nor any federal statute confers upon federal courts the power to expunge a criminal conviction such as Mettetal's.

United States v. Mettetal, 714 Fed. App'x. 230, 233-35 (4th Cir. 2017). The court also found that ancillary jurisdiction may not be invoked to expunge criminal records for purely equitable reasons, joining many other courts of appeal. The opinion catalogues the case law and ultimately joins "the unified front of circuit authority in rejecting" a claim for expungement. Accordingly, the request for expungement is DENIED.

/s/
DEBORAH K. CHASANOW
United States District Judge